

रजिस्टर्ड नं० एल०-३३/एस० एम०/१३-१४/९६.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 17 जनवरी, 1996/२७ पौष, 1917

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-४, 17 जनवरी, 1996

संख्या 1-7/96-वि०—हिमाचल प्रदेश विधान सभा की प्रक्रिया एवं कार्य संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत हिमाचल प्रदेश यूनिवर्सिटी (संशोधन) विधेयक, 1996 (1996 का विशेष

संख्यांक 8) जो आज दिनांक 17 जनवरी, 1996 को हिमाचल प्रदेश विधान सभा में पुरस्थापित हो चुका है, सर्वसाधारण की सूचनार्थ असाधारण राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

हस्ताक्षरित/-
संग्रहीत ।

1996 का विधेयक संख्यांक 8

हिमाचल प्रदेश यूनिवर्सिटी (संशोधन) विधेयक, 1996

(विधान सभा में यथा पुरःस्थापित)

हिमाचल प्रदेश यूनिवर्सिटी एक्ट, 1970 (1970 का 17) का और संशोधन करने के लिए विधेयक।

भारत गणराज्य के छियालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश यूनिवर्सिटी (संशोधन) एक्ट, 1996 है।

संक्षिप्त नाम।

2. हिमाचल प्रदेश यूनिवर्सिटी एक्ट, 1970 (जिसे इसमें इसके पश्चात् मूल अधिनियम कहा गया है) की धारा 2 के विद्यमान खण्ड (11) के पश्चात्, निम्नलिखित नया खण्ड (11-A) अन्तःस्थापित किया जाएगा, अर्थात् :—

धारा 2 का संशोधन।

“(11-A) “Pro-Vice-Chancellor” means the Pro-Vice-Chancellor of the University;”।

3. मूल अधिनियम की धारा 10 में, विद्यमान खण्ड (ii) के पश्चात्, निम्नलिखित नया खण्ड (ii-a) अन्तःस्थापित किया जाएगा, अर्थात् :—

धारा 10 का संशोधन।

“(ii-a) the Pro-Vice-Chancellor;”।

4. मूल अधिनियम की धारा 12-B में,—

धारा 12-B का संशोधन।

(i) उप-धारा (1) में “the Chancellor”, शब्दों से पूर्व “the Pro-Vice-Chancellor, appointed under section 12-D, shall perform the duties and exercise the powers of the Vice-Chancellor, and if there is no Pro-Vice-Chancellor,” शब्द जोड़े जाएंगे ;

(ii) उप-धारा (2) में “such person” शब्दों से पूर्व “and if there is no Pro-Vice-Chancellor to perform the duties and to exercise the powers of the Vice-Chancellor,” शब्द जोड़े जाएंगे।

5. मूल अधिनियम की धारा 12-C के पश्चात्, निम्नलिखित नई धारा 12-D और धारा 12-E शीर्षों सहित अन्तःस्थापित की जाएंगी, अर्थात् :—

धारा 12-D और धारा 12-E का अन्तःस्थापन।

“12-D. Pro-Vice-Chancellor.—(1) The Pro-Vice-Chancellor shall be a whole time officer of the University. The First Pro-Vice-Chancellor after the commencement of the Himachal Pradesh University (Amendment) Act, 1996 shall be appointed by the Chancellor, in consultation with the State Government, on such terms and conditions as the State Government may determine. Subsequent Pro-Vice-Chancellor shall be appointed by the Chancellor, in consultation with the Vice-Chancellor.

- (2) Except as expressly provided in sub-sections (4) and (5), the Pro-Vice-Chancellor shall, subject to the pleasure of the Chancellor, hold office for a term of three years from the date he enters upon his office and shall, on the expiry of his office, be eligible for reappointment to that office :

Provided that notwithstanding the expiry of the term of his office the Pro-Vice-Chancellor shall continue in office until his successor is appointed and enters upon his office.

- (3) The emoluments and other conditions of service of the Pro-Vice-Chancellor shall be such as may be prescribed and shall not vary to his disadvantage after his appointment.
- (4) A person appointed as Pro-Vice-Chancellor shall retire from office if during the term of his office or any extension thereof, he completes the age of 65 years.
- (5) If, in the opinion of the Chancellor, the Pro-Vice-Chancellor wilfully omits or refuses to carry out the provisions of this Act, or abuses the powers vested in him and if it appears to the Chancellor that the continuance of the Pro-Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after consultation with the Executive Council and the Government, by order remove the Pro-Vice-Chancellor after giving him an opportunity of showing cause against the action proposed to be taken in regard to him.
- (6) The Pro-Vice-Chancellor may, by writing under his hand addressed to the Chancellor, resign his office. The resignation shall be delivered to the Chancellor ordinarily at least 60 days prior to the date on which the Pro-Vice-Chancellor wishes to be relieved from his office, but the Chancellor may relieve him earlier. The resignation shall take effect from the date of his relieving.

12-E. Powers and duties of the Pro-Vice-Chancellor.—(1) Subject to the control and supervision of the Vice-Chancellor, the Pro-Vice-Chancellor shall perform such duties and exercise such powers as may be conferred upon him under the Act or the Statutes or are delegated to him by the Vice-Chancellor or the Executive Council.

- (2) The Pro-Vice-Chancellor shall be the *ex-officio* Vice-Chairman of the Executive Council, the Academic Council and the Finance Committee. He shall be entitled to be present at and to address any meeting of any authority or body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.”

धारा 21 का 6. मूल अधिनियम की धारा 21 की उप-धारा (1) में मद (i) के पश्चात् निम्न-संशोधन। लिखित मद (i-a) ग्रन्त-स्थापित की जाएगी, अर्यात् :—

“(i-a) the Pro-Vice-Chancellor;”।

उद्देश्यों और कारणों का कथन

हिमाचल प्रदेश यूनिवर्सिटी एकट, 1970 (1970 का 17) के अधीन अध्ययन की विभिन्न शाखाओं में अध्यापन और अनुसंधान द्वारा, उच्च शिक्षा और ज्ञान का प्रसार करने के लिए, हिमाचल प्रदेश में बहु-संकाय विश्वविद्यालय का निगमन और स्थापना की गई है। क्योंकि उक्त विश्वविद्यालय के निगमन के उपरान्त वृहद वैज्ञानिक और प्रौद्योगिक अभिवृद्धि के अतिरिक्त, प्रत्येक शिक्षा के क्षेत्र में सुविस्तृत परिवर्तन हुआ है, इसलिए विश्वविद्यालय के कुलांति के लिए, जो विश्वविद्यालय का प्रधान कार्यकारी और शैक्षिक अधिकारी है, विश्वविद्यालय के समस्त शिक्षण/संकायों के प्रति पर्याप्त ध्यान देना कठिन हो गया है। विश्वविद्यालय कैम्पस का कार्यकरण जनता की आलोचना का विषय बना हुआ है। अतः अध्ययन की विभिन्न शाखाओं में शिक्षा में प्रभावकारी सुधार करने और अनुसंधान तथा शिक्षा अभिवृद्धि को अग्रसर करने के लिए अवरोधों/कठिनाइयों को दूर करना आवश्यक हो गया है। अतः समस्या के समाधान के लिए उक्त अधिनियम के अधीन कुलांति को सौंपे गए कृत्यों के निर्वहन में सहयोग देने के लिए प्रति-कुलपति का उपबन्ध करने का निर्णय लिया गया है।

यह विधेयक उपर्युक्त उद्देश्यों की पूर्ति के लिए है।

नारायण चन्द्र पराशर,
प्रभारी मन्त्री।

शिमला :

17 जनवरी, 1996.

वित्तीय ज्ञापन

विधेयक का खण्ड 5, शिमला में हिमाचल प्रदेश विश्वविद्यालय के लिए प्रति-कुलपति की नियुक्ति का उपबन्ध करता है। यह अनुमान लगाया जाता है कि इस पर 5 लाख रुपए का अनावर्ती व्यय और 4.90 लाख रुपए का आवर्ती व्यय होगा। इस प्रकार, इस पद पर कुल व्यय 9.90 लाख रुपए होगा। व्यय, हिमाचल प्रदेश राज्य की संचित निधि से, विश्वविद्यालय को सहायता अनुदान देकर पूरा किया जाएगा।

प्रत्यायोजित विधान सम्बन्धी ज्ञापन

विधेयक का खण्ड 5 राज्य सरकार को प्रति-कुलपति की उपलब्धियों और सेवा की अन्य शर्तों के विषय में नियम बनाने के लिए सशक्त करता है और प्रति-कुलपति द्वारा पालन किए जाने वाले कर्तव्यों और शक्तियों को प्रत्यायोजित करने के लिए कार्यकारी परिषद् को भी सशक्त करता है। यह प्रत्यायोजन आवश्यक और सामान्य स्वरूप का है।

भारत के संविधान के अनुच्छेद 207 के अधीन राज्यपाल की सिफारिशें

[शिक्षा विभाग नस्ति सं0 ई0 डी0 एन-ए-ब (15)-1/96]

हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश यूनिवर्सिटी (संशोधन) विधेयक, 1996 की विषयवस्तु के बारे में सूचित किए जाने के पश्चात् भारत के संविधान के अनुच्छेद 207 के अधीन विधेयक को विधान सभा में पुरा:- स्थापित करने और उस पर विचार करने की सिफारिश करती है।

AUTHORITATIVE ENGLISH TEXT

Bill No. 8 of 1996.

**THE HIMACHAL PRADESH UNIVERSITY (AMENDMENT)
BILL, 1996**

(As PASSED BY THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh University Act, 1970 (Act No. 17 of 1970).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-sixth Year of the Republic of India, as follows:—

Short title. 1. This Act may be called the Himachal Pradesh University (Amendment) Act, 1996.

Amendment of section 2. 2. After the existing clause (11) of section 2 of the Himachal Pradesh University Act, 1970 (hereinafter called the principal Act), the following new clause (11-A) shall be inserted, namely :—

17 of 1970

“(11-A) “Pro-Vice-Chancellor” means the Pro-Vice-Chancellor of the University;”.

Amendment of section 10. 3. In section 10 of the principal Act, after the existing clause (ii), the following new clause (ii-a) shall be inserted, namely:—

‘(ii-a) the Pro-Vice-Chancellor;”.

4. In section 12-B of the principal Act,—

(i) in sub-section (1), before the words “the Chancellor”, the words “the Pro-Vice-Chancellor, appointed under section 12-D, shall perform the duties and exercise the powers of the Vice-Chancellor, and if there is no Pro-Vice-Chancellor,” shall be added;

(ii) in sub-section (2), before the words “such person”, the words “and if there is no Pro-Vice-Chancellor to perform the duties and to exercise the powers of the Vice-Chancellor,” shall be added.

Insertion of sections 12-D and 12-E 5. After section 12-C of the principal Act, the following new sections 12-D and 12-E alongwith their headings shall be inserted, namely:—

“12-D. Pro-Vice-Chancellor.—(1) The Pro-Vice-Chancellor shall be a whole time officer of the University. The First Pro-Vice-Chancellor after the commencement of the Himachal Pradesh University (Amendment) Act, 1996 shall be appointed by the Chancellor, in consultation with the State Government, on such terms and conditions as the State Government may determine. Subsequent Pro Vice-Chancellor shall be appointed by the Chancellor, in consultation with the Vice-Chancellor.

(2) Except as expressly provided in sub-section (4) and (5), the Pro-Vice-Chancellor shall, subject to the pleasure of the Chancellor,

hold office for a term of three years from the date he enters upon his office and shall, on the expiry of his office, be eligible for re-appointment to that office:

Provided that notwithstanding the expiry of the term of his office, the Pro-Vice Chancellor shall continue in office until his successor is appointed and enters upon his office.

- (3) The emoluments and other conditions of service of the Pro-Vice-Chancellor shall be such as may be prescribed and shall not vary to his disadvantage after his appointment.
- (4) A person appointed as Pro-Vice-Chancellor shall retire from office if during the term of his office or any extension thereof, he completes the age of 65 years.
- (5) If, in the opinion of the Chancellor, the Pro-Vice Chancellor wilfully omits or refuses to carry out the provisions of this Act, or abuses the powers vested in him and if it appears to the Chancellor that the continuance of the Pro-Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after consultation with the Executive Council and the Government, by order remove the Pro-Vice-Chancellor after giving him an opportunity of showing cause against the action proposed to be taken in regard to him.
- (6) The Pro-Vice-Chancellor may, by writing under his hand addressed to the Chancellor, resign his office. This resignation shall be delivered to the Chancellor ordinarily at least 60 days prior to the date on which the Pro-Vice-Chancellor wishes to be relieved from his office, but the Chancellor may relieve him earlier. The resignation shall take effect from the date of his relieving.

12-E. Powers and duties of the Pro-Vice-Chancellor.—(1) Subject to the control and supervision of the Vice-Chancellor, the Pro-Vice-Chancellor shall perform such duties and exercise such powers as may be conferred upon him under the Act or the Statutes or are delegated to him by the Vice-Chancellor or the Executive Council.

(2) The Pro-Vice-Chancellor shall be the *ex-officio* Vice-Chairman of the Executive Council, the Academic Council and the Finance Committee. He shall be entitled to be present at and to address any meeting of any authority or body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.”

6. In section 21 of the principal Act, in sub-section (1), after item (i), Amendment
of section 21.

the following item (i-a) shall be inserted, namely:—

“(i-a) the Pro-Vice-Chancellor;”.

STATEMENT OF OBJECTS AND REASONS

Under the Himachal Pradesh University Act, 1970 (Act No. 17 of 1970) a multifaculty University has been incorporated and established in Himachal Pradesh to disseminate advance learning and knowledge by teaching and research in various branches of studies. Since the incorporation of the said University, apart from the tremendous scientific and technological advancement, there has been vast change in every field of education. The Vice-Chancellor of the University, who being the Principal Executive and Academic Officer of the University, finds it difficult to pay adequate attention to all disciplines/faculties of the University. The functioning of the University Campus has come in for adverse public criticism. Thus there is immediate need to eliminate delays/difficulties, and to make effective improvements, in imparting education in different branches of study; and for furthering the advancement of learning and prosecution of research. In order to tide over the problem it has been decided to provide for a Pro-Vice-Chancellor, to assist the Vice-Chancellor in the discharge of the functions assigned to him under the said Act.

This Bill seeks to achieve the aforesaid objective.

NARAIN CHAND PRASHER,
Minister-in-Charge.

SHIMLA
The 17th January 1996.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the appointment of the Pro-Vice-Chancellor for the Himachal Pradesh University, at Shimla. It is estimated that it would entail non-recurring expenditure to the extent of Rs. 5 lakhs and recurring expenditure to the tune of Rs. 4.90 lakhs. Thus, the total expenditure for this office works out to be Rs. 9.90 lakhs. The expenditure will be met from the Consolidated Fund of the State of Himachal Pradesh by way of grant-in-aid to the University.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the State Government to make rules regarding the emoluments and other conditions of service of the Pro-Vice-Chancellor and also empowers the Executive Council to delegate the duties and powers as may be performed by the Pro-Vice-Chancellor. This delegation is essential and normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Education Dep'tt. file No. EDN-A-Kh(15)1/96]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh University (Amendment) Bill, 1996, recommends, under article 207 of the Constitution of India, the introduction and consideration of the Bill by the Legislative Assembly.